

COPY

Summons in a Civil Action (Rev 11/97)

**United States District Court****SOUTHERN DISTRICT OF CALIFORNIA**

DOSTART CLAPP GORDON & COVENEY, LLP,  
a limited liability partnership,  
Plaintiff,  
vs

AMENDED

**SUMMONS IN A CIVIL ACTION**

Case No. 08 CV 0863 JM AJB

UNITED STATES DEPARTMENT OF LABOR,  
ELAINE L. CHAO, in her official capacity as  
Secretary of Labor, and DOES 1 through 20,  
inclusive,  
Defendants.

TO: (Name and Address of Defendant)

UNITED STATES DEPARTMENT OF LABOR  
200 Constitution Ave, NW  
Washington, DC 20210

ELAINE L. CHAO  
Secretary of Labor  
200 Constitution Ave, NW  
Washington, DC 20210

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and  
serve upon PLAINTIFF'S ATTORNEY

James F. Clapp, Esq.

DOSTART CLAPP GORDON & COVENEY, LLP  
4370 La Jolla Village Drive, Suite 970  
San Diego, CA 92122

An answer to the complaint which is herewith served upon you, within 30 days after  
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment  
by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

MAY 15 2008

CLERK

J. HINLE

DATE

By

, Deputy Clerk


Summons in a Civil Action

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::ODMA\PCDOCS\WORDPERFECT\14443\1 May 5, 1999 (11:34am)

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VIA FAX

RETURN OF SERVICE			
Service of the <del>AMENDED</del> Summons and Complaint was made by me		DATE May 16, 2008	
NAME OF SERVER Kathryn A. Jordan		TITLE Paralegal	
Check one box below to indicate appropriate method of service			
<div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____         </div> <div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:             Name of person with whom the summons and complaint were left: _____         </div> <div> <input type="checkbox"/> Return unexecuted:         </div> <div> <input checked="" type="checkbox"/> Other (specify):            Served defendant Elaine L. Chao, Secretary of Labor, by certified mail pursuant to Fed.R.Civ.P. 4(i)(2)(A).            Mailed to Elaine L. Chao, Secretary of Labor, 200 Constitution Ave, NW, Washington, DC 20210         </div> </div>			
STATEMENT OF SERVICE FEES			
TRAVEL		SERVICES	TOTAL
DECLARATION OF SERVER			
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: <u>May 16, 2008</u> _____ Date</p> <div style="text-align: right; margin-top: 10px;">             Signature of Server            DOSTART CLAPP GORDON &amp; COVENEY, LLP            4370 La Jolla Village Drive, Suite 970, San Diego, CA 92122            Address of Server         </div>			
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE			
<p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure